



IN THE HIGH COURT OF JUDICATE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (APPA) No. 934 of 2025

in

Criminal Appeal Stamp No. 9434 of 2025

Kailas Gopal Nimkarde

Versus

State of Maharashtra through Police Station Officer, Police Station Shivaji
Nagar, Tq. Khamgaon, Dist. Buldhana

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.V.Sirpurkar, Advocate for the appellant.

CORAM : NIVEDITA P. MEHTA, J.

DATED : 13th NOVEMBER, 2025.

The applicant has preferred this appeal assailing the judgment dated 29th July, 2025 passed by the learned Additional Sessions Judge, Khamgaon, Dist. Buldhana in Special Case No. 124 of 2023, thereby convicting the applicant under Sections 4, 6 and 8 of POCSO Act and Sections 342 and 506 of Indian Penal Code.

2. The present application is filed seeking condonation of delay of 10 days in preferring the appeal against the said judgment.

3. Learned counsel for the applicant submits that the applicant was not aware of the legal remedy available to him, and therefore, he could not approach his counsel within the prescribed period. It is further submitted that the delay in filing the appeal is neither deliberate nor intentional but occurred due to circumstances beyond the control of the applicant. Accordingly, it is prayed that the delay be condoned.

4. Per contra, learned Additional Public Prosecutor has strongly opposed the application, contending that no sufficient cause has been shown for condonation of delay and, therefore, the application deserves to be rejected.

5. Having considered the rival submissions and upon perusal of the record, this Court is of the considered opinion that the explanation offered by the applicant constitutes sufficient cause for condoning the delay. Accordingly, the delay of ten (10) days in filing the appeal is condoned. The office is directed to register the appeal.

6. The criminal application stands disposed of accordingly.

Criminal Application for suspension of sentence.

Issue notice to the respondents, returnable on **1st December, 2025.**

2. Ms. H.N.Prabhu, learned Addl. Public Prosecutor waives service of notice on behalf of the respondent no.1/State.

Criminal Appeal Stamp No. 9434 of 2025

Heard.

2. **ADMIT.**

3. Ms. H.N.Prabhu, learned Addl. Public Prosecutor waives service of notice on behalf of the respondent no.1/State.

4. Call record and proceedings.

5. Registry is directed to prepare the paper book.

[NIVEDITA P. MEHTA, J.]